

6.34 - UCO URBAN COMMERCIAL OVERLAY

6.34.1 INTENT:

The intent of the Urban Commercial Overlay District is to address the unique characteristics of existing and future development along West Walnut Street to allow for developments and/or changes in land use while addressing the required parking requirements and concerns of the adjacent residential neighborhood.

6.34.2 APPLICABILITY:

The Urban Commercial Overlay District shall be in effect along the designated area of the zoning map of Johnson City. As an overlay, this district is applied to the underlying districts. Development within the geographic limits of this overlay district shall conform to the requirements of all underlying districts with the exception of parking, changes in intensity, and any other factor governed by the overlay district.

6.34.3 DEVELOPMENT STANDARDS:

The following guidelines shall apply to all development, construction, reconstruction, alterations, or changes in land use:

6.34.3.1 As of March 2, 2006 existing uses and structures are exempt from meeting setbacks and off-street parking requirements;

6.34.3.2 Any new development shall be required to provide the required off-street parking for that development. Any expansion in exterior or interior floor area of an existing use or structure shall be required to provide the required off-street parking for that portion of the use or structure being expanded;

6.34.3.3 Off-premise parking shall be approved by the Board of Zoning Appeals and shall be exempt from the following provisions of Article XI, Off-Premise Parking:

- A. The property shall lie within four hundred (400) feet of the main entrance of the principal use;
- B. The property shall not be separated from the principal use by a collector or arterial street as designated on the zoning map and shall be located on the same street as the principal use; and
- C. Such spaces shall not exceed twenty-five (25) percent of the required parking.

The Board of Zoning Appeals shall review each approval for off-premise parking on an annual basis to ensure the parking remains available. Failure to retain the off-premise parking shall be considered a violation of the Zoning Code;

- 6.34.3.4 Any expansion of an existing structure or use shall not reduce the existing number of required off-street parking spaces;
- 6.34.3.5 Required off-street parking shall be allowed to back into the public right-of-way;
- 6.34.3.6 Uses serving alcohol shall be located not closer than five hundred (500) feet as measured from property line to property line to any other uses serving alcohol. The Board of Zoning Appeals shall review, as a special exception, any use that desires to serve alcohol that is closer than five hundred (500) feet to an existing alcohol serving establishment within the overlay district; provided:
 - A) The main entrance is on West Walnut Street;
 - B) Off-street parking requirements are met for any new establishment that involves an increase in intensity. New establishments shall prepare a site plan for BZA approval and any documentation necessary concerning offsite parking;
 - C) There are no outside dining/entertainment areas located in the rear yard; and
 - D) The total floor area shall not exceed three thousand five hundred (3,500) square feet and total patron seating shall not exceed one hundred and twenty-five (125).
- 6.34.3.7 Any change in a permitted use or special exception that is considered to be more parking intensive, i.e. change in use from office to retail, or from retail to restaurant, shall be required to provide a minimum of seventy-five (75) percent of the required parking either on-premise or off-premise as a special exception by the Board of Zoning Appeals. Off-premise parking shall be located within 1,000 feet of the nearest property line of the intended use. The remaining twenty-five (25) percent may include existing on-street parking;
- 6.34.3.8 Rear entrances, provided they meet Health Department and Fire Marshall requirements, shall be allowed to be used for service use and emergency exit purposes. Rear entrances may be used for patron ingress and egress prior to 11:00 PM on days of

operation. Outside activity (eating and drinking) shall not be permitted at the rear of buildings past 11:00 PM. Any location of outside activity to the rear of a building will require that a Type I buffer of a minimum of 10 feet in width with a solid wood fence 10 feet in height be installed. Vegetation shall be allowed to be placed on either side of the fence and shall be approved by the City Forester. The installation of fencing will require Fire Marshall and other service providers approval;

6.34.3.9 With the exception of 6.34.3.8 outdoor entertainment/dining areas shall be located along the frontage of West Walnut Street in order to reduce noise and other adverse impacts on the adjoining residential area. Required parking shall not be used for outdoor entertainment/dining purposes; and

6.34.3.10 A Special Use Permit, obtained from the Building Division and approved by the City Commission, shall be required for outdoor events extending past 11:00 PM. Outdoor events include, but are not limited to, festivals, outdoor music/entertainment, and other similar activities. In order to be considered for City Commission approval, a completed Special Use Permit shall be received by the Building Division no later than fourteen (14) days prior to the City Commission meeting at which it is to be considered.